

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TRACI L. MILLER,

Plaintiff,

v.

KILOLO KIJIKAZI, Acting Commissioner  
of Social Security,

Defendant.

**8:21CV447**

**ORDER**

This matter is before the Court on an Unopposed Motion to Reverse and Remand (Filing No. 13) filed by defendant Kilolo Kijikazi, Acting Commissioner of Social Security (“Commissioner”). The Commissioner asks the Court to (1) reverse her final decision denying plaintiff Traci L. Miller’s (“Miller”) claim for disability benefits under Title II of the Social Security Act (“Act”), 42 U.S.C. § 401 *et seq.*, and (2) remand this case for further administrative proceedings pursuant to sentence four of section 205(g) of the Act, 42 U.S.C. § 405(g),<sup>1</sup> and *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

The Commissioner states that on remand a new administrative law judge (“ALJ”) will offer Miller “an opportunity for a new hearing and will consolidate” Miller’s 2014 application with her 2018 application “as previously instructed in the Appeals Council’s June 2019 remand order (Filing No. 9-3, Tr. 1213-17).” The ALJ will then “reevaluate the medical opinion evidence pursuant to 20 C.F.R. § 404.1527 and redetermine [Miller’s]

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<sup>1</sup>Sentence four of section 205(g) empowers the Court “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” *Id.*

residual functional capacity before issuing a new decision.” The Commissioner states she has conferred with Miller’s counsel, who does not oppose remand on those terms.

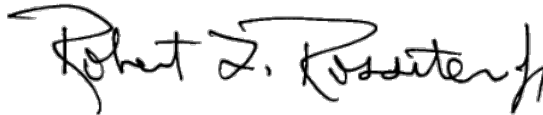
In light of the foregoing,

IT IS ORDERED:

1. The Commissioner’s Unopposed Motion to Reverse and Remand (Filing No. 13) is granted.
2. The Commissioner’s final decision is reversed, and this case is remanded for further administrative proceedings before a new administrative law judge.
3. Miller’s pending Motion for an Order Reversing the Commissioner’s Decision (Filing. No. 11) is denied.
4. A separate judgment will issue.

Dated this 5th day of May 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge